

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **FOR THE**  
3                                   **MIDDLE DISTRICT OF PENNSYLVANIA**

4 FLORENCE LAMOREUX,                                   )

5                                   Plaintiff                                   )

6                                   v.                                   )

7 BUREAU OF COLLECTION                                   )

8 RECOVERY, LLC a/k/a BUREAU OF)

9 COLLECTION RECOVERY, INC.,                                   )

10                                   Defendant                                   )

**Case No.:**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

**(Unlawful Debt Collection Practices)**

11                                   **COMPLAINT**

12                   FLORENCE LAMOREUX (“Plaintiff”), by and through her attorneys,  
13 KIMMEL & SILVERMAN, P.C., alleges the following against BUREAU OF  
14 COLLECTION RECOVERY, LLC a/k/a BUREAU OF COLLECTION  
15 RECOVERY, INC. (“Defendant”):

16                                   **INTRODUCTION**

17                   1.     Plaintiff’s Complaint is based on the Fair Debt Collection Practices  
18 Act, 15 U.S.C. §1692 *et seq.* (“FDCPA”).  
19

20                                   **JURISDICTION AND VENUE**

21                   2.     Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d),  
22 which states that such actions may be brought and heard before “any appropriate  
23 United States district court without regard to the amount in controversy,” and 28

1 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising  
2 under the laws of the United States.

3 3. Defendant conducts business in the Commonwealth of Pennsylvania;  
4 therefore, personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. §1391(b)(2).

6  
7 **PARTIES**  
8

9 5. Plaintiff is a natural person residing in Luzerne, Pennsylvania 18709.

10 6. Plaintiff is a person granted a cause of action under the FDCPA. See  
11 15 U.S.C. § 1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D.  
12 Pa. Dec. 22, 2000).

13 7. Defendant is a national debt collection company with its corporate  
14 headquarters located at 7575 Corporate Way, Eden Prairie, Minnesota 55344.

15 8. Defendant is a “debt collector” as that term is defined by 15 U.S.C.  
16 §1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

17 9. Defendant acted through its agents, employees, officers, members,  
18 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
19 representatives, and insurers.

20  
21 **FACTUAL ALLEGATIONS**  
22

23 10. At all relevant times, Defendant contacted Plaintiff in its attempts to  
24 collect a consumer debt of another person.  
25

1           11. Upon information and belief, the alleged debt at issue arose out of  
2 transactions, which were primarily for personal, family, or household purposes.

3           12. Beginning in May 2012, and continuing through September 2012,  
4 Defendant contacted Plaintiff on her home telephone on a continuous and  
5 repetitive basis in its attempts to collect a debt of another person.  
6

7           13. Plaintiff does not owe the debt that Defendant was attempting to  
8 collect.  
9

10           14. During the relevant period, Defendant called Plaintiff, on average,  
11 once a week in its attempt to collect this debt. In those calls, Defendant identified  
12 that it was calling in an attempt to collect a debt of an individual named of “Faye  
13 Lamoreux.”  
14

15           15. In addition, Defendant left messages on Plaintiff’s home answering  
16 machine disclosing that it was calling to collect a debt owed by a “Faye  
17 Lamoreux.”  
18

19           16. Although Plaintiff’s last name is “Lamoreux,” she has never used the  
20 name “Faye” and does not know an individual by the name “Faye Lamoreux.”

21           17. On multiple occasions, Plaintiff has spoken with Defendant’s  
22 collectors, including a collector who identified himself as “Markel,” to inform  
23 them that she is not “Faye Lamoreux,” no one by that name lives at the called  
24 number, and to stop calling her.  
25

1           18. Defendant failed to investigate the information and/or update its  
2 records to avoid the further harassment of Plaintiff.

3           19. Moreover, Defendant did not possess any information to contradict  
4 Plaintiff's statements.

5           20. Nevertheless, Defendant persisted in calling Plaintiff about a debt of  
6 a person named "Faye Lamoreux."  
7

8           21. Defendant called Plaintiff on a repetitive and continuous basis with  
9 the intent of harassing, knowing Plaintiff was not the correct person it sought.  
10

11           22. By continuously calling over a debt she did not owe, and failing to  
12 update its records to avoid the further harassment of Plaintiff, Defendant engaged  
13 in conduct which as the natural consequences of harassing the recipient.  
14

15           23. Upon information and belief, information was readily available to  
16 Defendant, and/or was available in the public domain, that the number it was  
17 calling belonged to Plaintiff and/or was associated with Plaintiff's home address.  
18

19           24. Plaintiff has spent time and effort dealing with these calls and trying  
20 to stop the collection calls to her for another person.

21           25. Finally, in an effort to stop the collection calls, Plaintiff retained  
22 counsel to assist her.  
23

24           26. On September 19, 2012, Plaintiff's counsel sent Defendant a written  
25 demand that it cease all communications with Plaintiff. See Exhibit A, the

1 September 19, 2012, Letter to Defendant.

2 27. In addition, this letter notified Defendant that Plaintiff was  
3 represented by counsel and that all further communication should be directed to  
4 his attorney. See Id.

6 28. Defendant received the letter of representation on September 24,  
7 2012. See Exhibit B, USPS Domestic Return Receipt.

9 29. Despite receiving counsel's demand to stop direct communication  
10 with Plaintiff, and Plaintiff's instructions to stop calling her, Defendant continued  
11 to call Plaintiff in its attempt to collect this debt.

12 30. Specifically, Defendant called Plaintiff on October 2, 2012, at 6:10  
13 p.m.

15 31. The repetitive calls to Plaintiff were harassing, aggravating and  
16 highly intrusive.

17 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION**  
18 **PRACTICES ACT**

19 **COUNT I**

20 32. Defendant's conduct, detailed in the preceding paragraphs, violated  
21 15 U.S.C. §§1692b(2) and 1692b(3).

23 a. Section 1692b(2) of the FDCPA prohibits a debt collector  
24 from disclosing that a consumer owes a debt when it is  
25

1 communicating with a person other than the consumer for the  
2 purpose of acquiring location information.

3  
4 b. Section 1692b(3) of the FDCPA prohibits a debt collector  
5 from communicating with any person other than a consumer  
6 more than once unless requested to do so by such person or  
7 unless the debt collector reasonably believes that the earlier  
8 response of such person is erroneous or incomplete and that  
9 such person now has correct or complete location information.  
10

11 c. Here, Defendant violated §§1692b(2) and 1692b(3) of the  
12 FDCPA by communicating with Plaintiff more than once  
13 about another person's debt, and disclosing the existence of the  
14 debt to Plaintiff.  
15

16 **COUNT II**

17 33. Defendant's conduct, detailed in the preceding paragraphs, violated  
18  
19 15 U.S.C. §1692c(a)(1).

20 b. Section 1692c(a)(1) of the FDCPA prohibits debt collectors  
21 from communicating with a consumer in connection with the  
22 collection of any debt at any unusual time or place or a time or  
23 place known or which should be known to be inconvenient to  
24 the consumer. In absence of knowledge of circumstances to  
25

1 the contrary, a debt collector shall assume that the convenient  
2 time for communicating with a consumer is after 8:00 a.m. and  
3 before 9:00 p.m., local time at the consumer's location.  
4

- 5 c. Here, Defendant violated §1692c(a)(1) of the FDCPA when it  
6 contacted Plaintiff repeatedly about another person's debt.  
7

### 8 **COUNT III**

9 34. Defendant's conduct, detailed in the preceding paragraphs, violated  
10 15 U.S.C. §§1692d and 1692d(5).  
11

- 12 a. Section 1692d of the FDCPA prohibits a debt collector from  
13 engaging in conduct the natural consequence of which is to  
14 harass, oppress, or abuse any person in connection with the  
15 collection of a debt.

- 16 b. Section 1692d(5) of the FDCPA prohibits debt collectors from  
17 causing a telephone to ring or engaging any person in telephone  
18 conversation repeatedly or continuously with the intent to  
19 annoy, abuse, or harass any person at the called number.  
20

- 21 c. Here, Defendant violated §§1692d and 1692d(5) of the FDCPA  
22 when it called Plaintiff once a week over a period of five (5)  
23 months, with the intent to annoy, abuse and harass Plaintiff;  
24 when it failed to verify the contact information for the actual  
25

1 debtor; and when it failed to stop contacting Plaintiff after  
2 having been notified in writing that she did not want to be  
3 contacted.  
4

5 **COUNT IV**

6 35. Defendant's conduct, detailed in the preceding paragraphs, violated  
7 15 U.S.C. §1692f.  
8

9 a. Section 1692f of the FDCPA prohibits debt collectors from using  
10 unfair or unconscionable means to collect or attempt to collect  
11 any debt.  
12

13 b. Here, Defendant violated §1692f of the FDCPA when it failed to  
14 update its records and remove Plaintiff's home telephone number  
15 from its call records, after having been told that it was calling the  
16 wrong number, and continuing to contact Plaintiff after learning  
17 that she was represented by counsel.  
18

19 WHEREFORE, Plaintiff, FLORENCE LAMOREUX, respectfully prays  
20 for a judgment as follows:  
21

- 22 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);  
23 b. Statutory damages of \$1,000.00 for the violation of the FDCPA  
24 pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
25



1 c. All reasonable attorneys' fees, witness fees, court costs and other  
2 litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §  
3 1693k(a)(3); and  
4

5 d. Any other relief deemed appropriate by this Honorable Court.

6 **DEMAND FOR JURY TRIAL**

7 PLEASE TAKE NOTICE that Plaintiff, FLORENCE LAMOREUX,  
8  
9 demands a jury trial in this case.

10 RESPECTFULLY SUBMITTED,

11 DATED: 04/03/2013

KIMMEL & SILVERMAN, P.C.

12 By: /s/ Craig Thor Kimmel

13 Craig Thor Kimmel

14 Attorney ID # 57100

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